

**MINUTES OF THE  
GREENSBORO ZONING COMMISSION**

**AUGUST 9, 2004**

**REGULAR MEETING**

A regular meeting of the Greensboro Zoning Commission was held on Monday, August 9, 2004, at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building, Greensboro, North Carolina. Members present were Chair Gary Wolf, Tony Collins, Portia Shipman, Paul Gilmer, Bill Schneider, Janet Wright, Maureen McDonnell, Brian Byrd and J.D. Haynes. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office and Carrie Reeves represented Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting.

**CHANGES IN AGENDA**

Mr. Ruska said staff had received a written request from the applicant that Item K, be withdrawn.

Mr. Schneider moved approval of the withdrawal of Item K, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**APPROVAL OF MINUTES OF THE JULY 12, 2004 REGULAR MEETING.**

Mr. Byrd moved approval of the minutes of the July 12, 2004 meeting as written, seconded by Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**PUBLIC HEARINGS:**

- A. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) MAXIMUM OF 20 TOWNHOMES FOR SALE, FOR A PORTION OF THE**

**PROPERTY LOCATED ON THE SOUTHEAST SIDE OF NEW GARDEN ROAD, WEST OF STRATHMORE DRIVE – FOR EVERETT AND VALENTINA COWETT. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Daniel A. Cowett, 6789 Brandywine Circle, Summerfield, NC, spoke on behalf of his parents, Everett and Val Cowett, and Old Town Guilford, LLC, which included himself, Betsy Graham and Don Smith. Their proposed construction would consist of 20 townhomes built in duplexes. He said that their request for rezoning was consistent with Low Residential on the Generalized Future Land Use Map (GFLUM) and was supported by Comprehensive Plan policies. He also wished to add a condition to this request:

- 2) SIDE AND REAR BUFFERS WILL BE 25-FEET WIDE, WITH TYPE B PLANTING YARDS.

Ms. Wright moved approval of the added condition to this request, seconded by Ms. Shipman. The Commission voted 9-0 to approve the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

Robert Button, 1811 Strathmore Drive, said he was a neighbor whose home abuts this property. He and his wife were favorable towards those plans. They also noted that heavy traffic made turning from Strathmore Drive onto New Garden Road difficult. They wished that a stoplight would be placed there. However, they were in favor of this project.

Robert Semones, 1820 New Garden Road, spoke in opposition. He said he owned property adjacent to the subject property. His concerns were the proposed development, the conditions and water runoff.

Randy Beeninga, 1824 New Garden Road, spoke in opposition. His concerns were security, property taxes, and traffic.

Mary Walker, 1817 New Garden Road, said her property was near the subject property. Her opposition was due to the small lots not being compatible with the large lots on which the present single-family homes were located. She was also concerned about the lack of City services and construction noise.

Chair Wolf asked Ms. Reeves of GDOT about the road widening plans for New Garden Road.

Ms. Reeves said it would become a 4-lane divided road, with a center median.

Construction is scheduled for the spring of 2006.

Morris Newlin, 1403 New Garden Road, said for 18 months he served on the New Garden Corridor Study Committee. He wanted to be sure this study had been considered. He remembered the subject property was shown as single-family housing.

Ms. McDonnell said she was familiar with the Corridor Study, which had recommended that this property be low density, as did the Comp Plan. That could be either single-family or could be some type of attached residential development like this, which is supported by recommendations in both of those studies. She said what was proposed was not truly multifamily, but would be townhouses and would still fall within the 3-5 units per acre, which was considered low density.

On rebuttal comments, Daniel Cowett said the questions regarding traffic, buffers, drainage and everything brought up today have been considered as a part of their development plan. They met with most of the adjacent neighbors and others in an effort to address these questions. They would continue to try to meet the needs of impacted individuals while complying with the requirements of the City of Greensboro.

On rebuttal, Robert Semones passed up a sheet from the applicant, which showed an access point in error.

The applicant, Daniel Cowett said the street shown on the handout would be stubbed off and was shown incorrectly.

Mr. Hails then made the staff recommendation. He noted that this proposal was consistent with the GFLUM and with some policies in the Comprehensive Plan. They also felt that the two conditions now attached to the proposal aided in its compatibility and staff recommended approval of the request.

Mr. Gilmer moved approval of an ordinance rezoning the site from RS-12 Residential Single Family to Conditional District - RM-5 Multifamily for the following primary reason: This rezoning request for townhouses was supported by Comprehensive Map and Plan policies that addressed compact development, mixed housing types and diversification of new housing stock, seconded by Mr. Collins.

In response to a question from Ms. McDonnell, Ms. Reeves said that they would do a warrant analysis on that intersection for a possible traffic signal.

Mr. Collins said that this was a transitional area. He thought this was a good use because of people being able to downsize and stay in an area that they have lived in for many years.

In response to a question from Ms. Shipman, Daniel Cowett said they plan on beginning the project at the start of 2005 and on having it built out within a 24-month period.

Chair Wolf said there was a motion on the table to approve the ordinance. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

After some discussion, Mr. Gilmer clarified that he took his motion from the staff recommendations.

**B. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITION: 1) ALL PERMITTED USES, EXCEPT MULTIFAMILY USES, TO CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITION: 1) ALL USES PERMITTED UNDER “BUSINESS, PROFESSIONAL AND PERSONAL SERVICES” PLUS WHOLESALE OPHTHALMIC GOODS ESTABLISHMENT - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF EAST CONE BOULEVARD EAST OF YANCEYVILLE STREET – FOR DAVID J. KNOCHE. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted comments in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, represented the property owner and applicant, David Knoche. He passed out materials to the Commission for consideration. A rezoning was necessary to allow for light manufacturing at the site. This would be a low impact use of the property by a business engaged in expansion.

No one spoke in opposition.

In making a staff recommendation, Mr. Hails said the Planning Department felt this rezoning would be consistent with the Comprehensive Plan and generally compatible with the surrounding area. Therefore, the Planning Department recommended approval.

Mr. Haynes moved the ordinance as to Item B, an ordinance rezoning from Conditional District - General Office Moderate Intensity, to Conditional District - Light Industrial, subject to the one condition set forth in the application, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**C. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) FIFTY (50) FOOT FRONT YARD SETBACK; 2) ALL OUTSIDE**

**STORAGE TO REAR OF BUILDING; TO CONDITIONAL DISTRICT – HEAVY INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) ALLOW ALL USES PERMITTED IN LI ZONE PLUS SEPTIC TANK SERVICES; 2) PROVIDE A FIFTY (50) FOOT FRONT YARD SETBACK; 3) NO OUTSIDE STORAGE PERMITTED, EXCEPT FOR TWO STORAGE TANKS IN A CONTAINMENT AREA AT REAR OF BUILDING; FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF OLD BURLINGTON ROAD EAST OF PINEWOOD ACRES DRIVE, FOR RONNIE D. OVERBEY. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Darrin Creed, 2409 Morning Glory Drive, represented the applicant, Mr. Overbey, who owned Ronnie Overbey Septic Tank Service. He noted the need for a dewatering grease facility in the area. The facility would not generate significant noise or odors. Other facilities would bring their grease there via tandem axle tank trucks.

Alice Myers, 819 Cliff Drive, McLeansville, spoke in opposition, noting concerns about water dispersal, proximity to a creek and odors.

Ronnie Overbey, the applicant, described the process to be carried out at the site and noted some of the reasons they selected this location.

No one else spoke in opposition.

In giving a staff recommendation, Mr. Hails said given the setting, staff believed that this was in keeping with the GFLUM, Mixed Use-Corporate Park, and several other policies designated in the Comp Plan. The Planning Department recommended approval of this request.

Mr. Gilmer moved the ordinance as to Item C, an ordinance rezoning from Conditional District - Light Industrial to Conditional District - Heavy Industrial subject to the three conditions set forth in the application, seconded by Mr. Byrd.

Mr. Byrd said the staff report related that this property was within the Mixed Use-Corporate Park designation on the GFLUM and was concerned about the HI request being consistent with Mixed Use-Corporate Park.

Mr. Ruska clarified that Mixed Use-Corporate Park classification was consistent with HI, LI or their Corporate Park zoning district as well.

A discussion followed, with several Commissioners expressing reservations and other

comments about the request and the proposed conditions, with staff clarifying staff's view of the request's context.

The general concern any time Industrial was going in next to residential uses, but the Plan was clear that we would be encouraging land uses moving in that direction.

Chair Wolf said there was a motion on the table. The Commission voted 6-3 in favor of the motion. (Ayes: Collins, Shipman, Gilmer, Schneider, Wright, Haynes. Nays: Wolf, McDonnell, Byrd.)

**D. AN ORDINANCE REZONING FROM GENERAL OFFICE- MODERATE INTENSITY TO CONDITIONAL DISTRICT – LIMITED BUSINESS WITH THE FOLLOWING CONDITION: 1) ALL USES PERMITTED IN THE GO-M ZONING DISTRICT PLUS USED MERCHANDISE STORE AND ACCESSORY USES; FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF BOULEVARD STREET BETWEEN WEST AVENUE AND MOSBY DRIVE – FOR GREATER PIEDMONT CHALLENGE, TEEN CHALLENGE, INC. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as the surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, represented Teen Challenge, Inc. He handed out materials for the Commission's consideration. He said there was an additional condition that he would like to add to this application.

- 2) ANY USED MERCHANDISE STORE OR STORES LOCATED ON THE SUBJECT PROPERTY SHALL NOT EXCEED A TOTAL AREA OF SIX THOUSAND (6,000) SQUARE FEET AND SHALL BE OPERATED ONLY BY A DULY ORGANIZED NON-PROFIT ORGANIZATION.

Ms. Wright moved acceptance of Condition No. 2, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

Attorney Isaacson gave some of the history of Teen Challenge, Inc., which serves individuals with substance abuse problems. Teen Challenge received a Notice of Violation that the thrift store was not authorized as a legal use in the General Office-Moderate Intensity Zoning District. They have specifically applied for this rezoning in order to remedy this violation. He referred to the support information in the materials that he had handed up to the Commission. He had four notarized letters of support from

neighbors, which he also submitted for the record.

Dennis Kyseth, 1904 Boulevard Street, spoke in support of the request and stated he was the Executive Director of Teen Challenge. He explained the mission and activities of Teen Challenge. He stated that he believed the store use is compatible with the area.

Tom Durham, 1904 Boulevard Street, manager of the Thrift Store for Teen Challenge, spoke in support. He described the specific activities in the store and the additional benefits of the facility.

Chelsea Banks, 1922 Pill Terrace, spoke in support. She lives across the street from the Thrift Store. She asked that the Thrift Store be permitted to remain.

Suzanne Banks said she owned the residence at 1922 Pill Terrace. She noted that the store served the needs of the neighborhood residents. She stated that Blessingdale's did not negatively impact their neighborhood in any way. She noted that the Teen Challenge campus provided a number of benefits to the neighborhood.

Royce Holling, with Signature Property Group, 4605-G Dundas Drive, spoke in support of the request. He noted that his company owned and operated the nearby Cedar Trace Apartments on Boulevard Street and Cedar Trace III Apartments on West Avenue. These folks had been their neighbors for years. He stated that Teen Challenge was a good neighbor and that they did a good service for the City.

Mr. Hails noted that groups of this type do benefit the community and are often compatible with their settings. Mr. Hails noted staff's role on this case was to look very narrowly at the land uses, not at the operators and the good works that they did. There was clearly non-conformity with this use and the GFLUM from the Comp Plan. Staff recommended denial of this request. However, should there be consideration of approval of the request, staff had one comment on the conditions. On Condition No. 2, he recommended the deletion of the last part and the reference to the non-profit operator, due to Zoning Enforcement concerns. The more zoning that was extended into the details of the operation of the site, rather than the use of the site, the more problematic it would become.

There was discussion that followed on whether to amend the second condition. The applicant was not opposed to an amendment as staff proposed.

Chair Wolf asked if Goodwill on US 220 was conditioned?

Mr. Ruska said that was a Conditional District rezoning, but it did not condition it just to that one use. His recollection of that rezoning was that it excluded a number of uses.

Commissioners noted other precedents to support this request and indicated phone calls were received in support.

Ms. Wright moved approval of Item D, an ordinance rezoning from General Office Moderate Intensity to Conditional District - Limited Business with two conditions as set forth above, with Condition No. 2 modified to state: "Any used merchandise stores located on the subject property shall not exceed a total area of 6,000 square feet." Mr. Schneider seconded the motion. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**E. AN ORDINANCE REZONING FROM HEAVY INDUSTRIAL TO HIGHWAY BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST INTERSECTION OF WEST MARKET STREET AND SOUTHERN OXYGEN ROAD (PRIVATE DRIVE) – FOR DEAN GREEN. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as the surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

No one was present to speak on the request.

In presenting a staff recommendation, Mr. Hails said staff believed this request was in conformity with the Comp Plan and felt it was generally compatible with the surrounding area. Staff recommended approval.

Ms. Wright moved the ordinance as to Item E, an ordinance rezoning from Heavy Industrial to Highway Business, seconded by Mr. Gilmer.

Mr. Schneider said generally when the Commission had been faced with a situation with no applicant present, the Commission had set a precedent that the Item be continued.

Mr. Gilmer said he thought if the applicant already knew that there was not opposition and staff was recommending it, then he would not ask that this item be continued.

Counsel Carr said she was concerned at this point because there had been a public hearing opened and closed by the Commission and that they should not continue the case.

Mr. Schneider said he would vote against it without any evidence here.

Chair Wolf said he did not disagree with Counsel Carr's concern. The Commission had handled several rezonings across the street from this. Clearly from the perspective of the merits, without even getting any testimony, from what the Commissioners know of the area, it was a simple case. Most of this should be something better than HI zoning.



Ms. McDonnell said personally she had a couple of questions and obviously she had not been able to get them answered. She would not support this request.

Counsel Carr said the two issues before the Commission had been the statements of Mr. Ruska and of Mr. Hails. Additionally, they had staff reports before them. She reminded the Commissioners of something Mr. Wolf said earlier. This is a legislative matter and to the extent that you have at least reviewed documents that support your decision, she thought the Commission could go forward. She said perhaps staff had the answers to the questions that Ms. McDonnell had.

Ms. McDonnell asked staff if they had any idea what was planned to be put on the subject property?

Mr. Ruska said that the applicant had stated that they want to move a Federal credit union over to this site and utilize the existing Federal credit union building for office space.

Chair Wolf said there was a motion on the table. The Commission voted 6-3 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Byrd, Haynes. Nays: Schneider, Wright, McDonnell.)

Chair Wolf declared a recess from 3:50 to 4:00 p.m.

**E. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST INTERSECTION OF VANSTORY STREET AND PINECROFT ROAD – FOR MARK R. OSADA AND THOMAS M. STAINBACK. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present who wished to speak in favor of this request.

Thomas Stainback said he, along with Mark Osada, owned the subject property. This subject lot had originally been a single-family lot. However, with the widening of Vanstory and Pinecroft, it reduced the size of the lot and a single-family unit could not be built on the corner lot under its current zoning. They wish to have the lot rezoned from RS-12 to RS-9 to permit its use for a single-family dwelling.

There being no other speakers, Chair Wolf closed the public hearing.

In giving the staff recommendation, Mr. Hails said staff believed the request was generally in keeping with the Comp Plan, Map and policies. He did note that the report pointed out an existing zoning violation on this site. Staff did not believe this would be a

criterion in the zoning decision; he was just disclosing that fact on which staff would follow up. Based on the information contained in the report, the Planning Department recommended approval of this case.

Ms. Wright moved the ordinance as to Item F, an ordinance rezoning from RS-12 Residential Single Family to RS-9 Residential Single Family, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**G. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) THERE SHALL BE NO MORE THAN 35 TOWNHOUSE UNITS BUILT ON THE REQUESTED PROPERTY; 2) THE UNITS TO BE BUILT SHALL BE LIMITED TO TWO (2) STORIES IN HEIGHT; 3) THE UNITS SHALL BE AT LEAST 90 PERCENT MASONRY CONSTRUCTION; 4) ALL OF THE UNITS TO BE BUILT ARE FOR SALE ONLY; FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF NEW GARDEN ROAD SOUTH OF GARDEN LAKE DRIVE – FOR JAMES L. ESKRIDGE, JR. (DENIED)**

Chair Wolf said Mr. Byrd informed him that would be recused from consideration or voting on this item due to a conflict.

Mr. Gilmer moved that Mr. Byrd was permitted to recuse himself from consideration or voting on this item, seconded by Mr. Haynes. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Haynes. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Jim Eskridge, 3013 Kate Drive, handed out information for the Commission's consideration. He had written a letter to 174 of the homeowners in the neighborhood, explaining the conditions the developer had imposed on the townhouse development. They had requested RM-8 zoning, but had restricted it to 35 units. The left side of the property has a perennial stream on it so they were required to leave a 100-foot buffer there, which mandated the reduction in the number of units. He explained the other contents of the packet that he had presented to the Commission, some of which was for illustrative purposes.

Marc Isaacson, Esq., 101 West Friendly Avenue, represented the applicant. He discussed the role of the Comp Plan in this rezoning because he was aware of the issue that had been brought up. He referred the Commissioners to the handout where they had set out some of the policies of Connections 2025. He then discussed these policies with responses he thought the Commission should consider, especially those which pertained to reinvestment and infill development. He also explained the constraints on this property that made it a difficult property to develop.

David Overman, 5411 Garden Lake Drive, speaking in opposition, felt his house would probably be most impacted by this development. It would eliminate the privacy of his wife, who has MS, when using her therapy pool. He asked that some type of privacy fence be erected so his wife could enjoy her water therapy without being subjected to prying eyes.

Judy Newlin, 1403 New Garden Road, pointed out on the map the CU-RM-12 where the apartments were located and noted that that was rezoned before the New Garden Corridor Study and before the Comp Plan. All along New Garden Road where there are 3 to 5 acre tracts existing, the area has been inundated with requests, all for multifamily development. She said she hoped the Commission would support the New Garden Corridor Study and the Comp Plan for this area.

Richard Blackburn, 1411 New Garden Road, said his home was across from the Jefferson Elementary School. He had a concern for the added traffic trying to access New Garden Road. He thought this was a very fragmented approach to the development of this block.

Frank McCurdy, 1347 New Garden Road, said his property did not actually open onto New Garden Road. He opposition was the additional traffic that this development would create and the problem becoming more severe.

Janet Overman, 5411 Garden Lake Drive, said their property abuts the triangle. She was afraid the development would ruin the area. She also had concerns about the additional traffic. She had not received a letter from Mr. Eskridge.

In rebuttal, Attorney Isaacson said as to the issue of privacy, when a property has a perennial stream on it, the State law requires a 100-foot, undisturbed, buffer in and around that stream area. The developer would not be allowed to cut down trees in this area. These units would not be apartments, they would be single-family attached dwellings, for sale to the public. He said the only access to this property would be from New Garden Road, which would be right in/right out access and exit.

In rebuttal, David Overman reiterated he would like to see a soil and erosion control permit, a wetlands permit from the Corps of Engineers and he would like to see an endangered species study.

Richard Blackburn said he understood the buffer around the stream, but he did not think the developer could arrange for a traffic buffer.

In giving the staff recommendation, Mr. Hails said staff appreciated the number of points brought forward by both the proponents and opponents here. There were a number of Comp Plan issues that applied to this request in a section of town that does have a variety of land uses. The Generalized Future Land Use Map does show Low Residential, 3 to 5 units per acre here. It attempted to keep a section on both sides of New Garden as lower density residential, even though the densities shift upward as you move north and south from here. While the proposal was for 35 units, which translated to 6.2 units per acre, to fully conform with the Plan's Map would require going down to 28 or perhaps up to 30 units per acre. Staff also agreed that the Comp Plan was not simply a map and some of the policies that were cited in it about diversification of housing types, under utilized properties, protecting neighborhoods and infill, but spoke for and against the rezoning as well. However, staff felt overall there was an opportunity to develop this property at a lower density. There were some other sites nearby available to support this density and overall, staff recommended denial of the request.

Mr. Hails said had the request been for 28 units, he thought staff would have recommended in favor of the request.

As far as analysis along New Garden Road, Carrie Reeves with GDOT said they had an inner-corridor study where level services were analyzed for all the intersections in the City every year. She knew there were a couple of intersections that have shown up, for example, Horse Pen Creek, the Bryan Boulevard ramp and New Garden Road have some approaches that need some work and improvement, but that has not been identified as a corridor that has any issues with it. It had not come up on their safety program either.

Ms. McDonnell said there was much history attached to this corridor. What seemed to be minimized today was the people who were involved in coming up with some of these plans. It was not simply from a macro level, it was very much from a micro level where they actually had neighbors, developers and anybody related to having any kind of an interest in this area, either at the time or in the future, who either participated or had representation on that group. They came up with the New Garden Road Corridor Study. The Comp Plan then came in and reaffirmed what the micro Corridor Study group came up with beforehand. In this case, the Comp Plan was actually reflective of what they looked at on a micro level for that area. There has been much testimony here of how this development would not be in harmony. She could not possibly support this request.

Ms. Wright said she served on that Corridor Study group. It seemed so easy to say, the proposed density was just barely over the threshold. While this was barely over that threshold, she would support the Planning Department, the Comp Plan and New Garden Corridor Study group on which she spent many hours and vote against this request at this time.

Mr. Gilmer said he also served on the New Garden Road Corridor Study focus group. He too would not be supporting this request at this time. He respected the Planning Department and he also served on the Comprehensive Planning Committee and he felt it

was not in compliance.

In response to a question from Mr. Schneider, Mr. Ruska said it would have been triggered to go to City Council automatically if the request had come in after City Council adopted the new procedure, but this request was filed prior to it so it tracks under the old procedure. The first set of requests that the new procedure completely applies to would be the September cases that the Commission would be hearing.

Mr. Collins said he really didn't hear any arguments against this today that gave him a good reason because he lived within a mile of this property. There was a 5-lane road there. Traffic was only a problem with getting in and out. The second thing was that this property was transitional in the 1950s, not in the last few years. As to the people in the homes developed there now, he wondered what the people said about you as they were being developed. He didn't take that as an argument that it was a pristine property and it shouldn't be disturbed. All property was pristine at one time. If they were arguing the merits of whether this was a suitable use, he thought it was. Just because staff had recommended denying it, he thought it was a very suitable use for this corridor. He would support the request although he understood there were some compelling reasons not to do so.

Chair Wolf agreed with Mr. Collins. He said a lot of the exact same testimony would have been heard had the request been for 28 units.

Mr. Schneider moved the ordinance as to Item G, an ordinance rezoning from RS-12 Residential Single Family to Conditional District - RM-8 Residential Multifamily, subject to the conditions set forth in the application, seconded by Mr. Collins. The Commission voted 4-4-0 in denial of the motion. (Ayes: Wolf, Collins, Shipman, Schneider. Nays: Gilmer, Wright, McDonnell, Haynes. Abstain: Byrd.)

**H. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITION: 1) USES: AUTOMOBILE REPAIR SERVICES, MINOR; CAR WASH (PRIVATE DEALERSHIP USE ONLY); AND MOTOR VEHICLE SALES, NEW AND USED; FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF EDWARDIA DRIVE BETWEEN MARY STREET AND WEST WENDOVER AVENUE; FOR DONALD E. FLOW. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Michael Fox, Esq., 228 West Market Street, represented the applicants, Donald and

Robin Flow. The applicants would like to put a service building on the property to service vehicles, detail them as needed, and also have a small showroom there. They would work with their dealership across the street. This would be consistent with the Comp Plan and consistent with the Commission's recent actions in terms of rezoning activities in that area.

In giving the staff recommendation, Mr. Hails said staff believed the proposal was consistent with the Comp Plan. In addition, it would adjoin existing business zoning and would be compatible with the surrounding area. The Planning Department recommended approval of the request.

Mr. Gilmer moved the ordinance as to Item H, an ordinance rezoning from Light Industrial to Conditional District-Highway Business, subject to the condition set forth in the application, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**I. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – RS-12 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: SINGLE FAMILY RESIDENTIAL AND ACCESSORY USES; 2) THERE WILL BE A MINIMUM OF 12.0 ACRES OF COMMON ELEMENTS; 3) PERTH PLACE WILL BE IMPROVED AS REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE GREENSBORO DEPARTMENT OF TRANSPORTATION; FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF PERTH PLACE, WEST OF HICKORY TREE LANE AND NORTH OF EDGEWOOD DRIVE – FOR JOHN TEAGUE, BRANTLEY TEAGUE, ANN TEAGUE, TOMMY TEAGUE AND NANCY TEAGUE. (FAVORABLE RECOMMENDATION)**

Chair Wolf said Mr. Byrd had requested that he be recused from discussion and voting on this item since Mr. Byrd's law partner was handling this request.

Ms. Wright moved that Mr. Byrd be recused from discussion and voting on Item I, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McConnell, Haynes. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, represented Centex, a developer that wished to develop a single-family detached residential community on the subject property. The annexation of this property was recommended by the Planning Board in February and he was before the Zoning Commission in March with an unconditioned RS-9 request, which the Zoning Commission recommended to City Council. At the City Council, some members had been concerned about the density permitted in the RS-9 and a majority of the Council voted not to approve the annexation and the RS-9. He said Centex Homes felt that the property would be a good location for the type of single-family detached residential communities that they build. He requested that two conditions be added to those set out in the application:

- 4) PRIOR TO CONSTRUCTING ANY HOMES WITHIN THE PROPERTY, PERTH PLACE WILL BE IMPROVED TO THE ENTRANCEWAY TO THE DEVELOPMENT WITH A FIRST COAT OF PAVING.
- 5) A 30-FOOT BUFFER WILL BE PROVIDED ALONG THE ENTIRE EASTERN LINE WHERE NO COMMON ELEMENTS EXIST. THE BUFFER WILL BE PLANTED AT A RATE OF ONE CANOPY TREE FOR EACH LOT ADJACENT TO THE BUFFER, TWO UNDERSTORY TREES FOR EACH LOT ADJACENT TO THE BUFFER AND 6 SHRUBS FOR EACH LOT ADJACENT TO THE BUFFER, WITH CREDIT BEING GIVEN FOR ANY EXISTING TREES OR SHRUBS WITHIN THE BUFFER.

Mr. Schneider moved that Conditions 4 and 5 as stated, be accepted, seconded by Ms. Haynes. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Haynes. Nays: None. Abstain: Byrd.)

Attorney Melvin said the preliminary engineering indicated that with RS-12 zoning, the lots would be a variety of sizes and there would be approximately 100-125 dwelling units, a little less than 3 dwelling units per acre. A Transportation Impact Study was done and furnished to GDOT. It indicated that this project would have minimal impact on adjacent roads and streets and the development would not adversely impact them. The applicant met with representatives of the area again after the development of the new plan, discussed plans and received input. The additional conditions were as a result of those discussions.

Walter Brown, 4000 Perth Place, speaking in opposition, said they were not opposed to progress and change, but they were asking that when change did come, that it be fair and balanced and compliment the existing neighborhood. Their major concerns were the number and sizes of some of the houses. They would prefer RS-15 to compliment what was already there. Their other main concern was there was only one entrance to the development, which came down Young's Mill Road and Perth Place.

Barbara Starr, 1211 Young's Mill Road, said she had a petition signed by 88 people in the

neighborhood who opposed this rezoning. She said Centex had switched from RS-9 to RS-12, but they proposed to build the same number of houses. They opposed the rezoning due to the density of the houses, the traffic, a bad intersection, and roads not built to accommodate the traffic that would be generated. She felt the annexation of this property was not in accordance with the Comp Plan and gave some examples.

Edith Griffin, 4002 Perth Place, said she was totally against the proposed development. Traffic volume concerned her the most. She had received no correspondence from Centex concerning the proposed project.

In rebuttal, Attorney Melvin said RS-12 was requested to give enough density that Centex, with its experience, felt that it could do an economically feasible residential community. There was one other access shown at Edgewood, but until that plat was recorded of that area and it was improved, that access could not be used. The homes would range from 1,400 to 2,800 square feet per home. Centex could not market these homes unless the transportation situation was good. He explained that homes could be clustered from a 12 to a 7. Some lots would be as large as 18,000 square feet. The final engineering had not been completed, but there will be a variety of lot sizes. There would be a minimum of 12 acres of undisturbed, open areas as a common element; when final engineering was done, there might be as many as 18 acres included within that. The only entrance initially would be Perth Place. One of the interior streets would be Edgewood. When that was developed, it would give an access to Edgewood Terrace.

In rebuttal, Barbara Starr asked if the applicant were saying they would preserve the trees existing in the buffer now?

Chair Wolf said the applicant had said that was the intention.

In response to another question from Ms. Starr, Mr. Collins said Attorney Melvin mentioned 124 homes. The land would probably not give them 150, it would probably only give them 124.

Ms. Starr said this was the same map presented to City Council before, and at that time they were proposing 124 lots, the same that they are asking for now. The City Council turned that down.

Mr. Collins said the map was just to give an illustration of what could be done. They would be limited to whatever the zoning called for and they would have to send it to City staff for approval. The map was being used for illustrative purposes only.

Mr. Ruska explained that the RS-15 zoned lots mentioned previously were zoned by the County, not the City.

Mr. Hails said staff's reading of Condition No. 5 seemed to indicate that the existing trees on the eastern property line would not be preserved, but would be removed and replanted.



Mr. Melvin said it was Centex's intent to leave the trees, unless they have to disturb them for utilities or anything of that nature. If they have to disturb them, they would have to replace, but if they leave them, they get credit for them.

Chair Wolf closed the public hearing.

In giving the staff recommendation, Mr. Hails said staff believed the proposal was consistent with the GFLUM for this area and also addressed some of the other policies stated in the Plan. It was also close to a highway and lower density zoning, which staff felt added to some of the compatibility. Staff recommended approval of the request.

Mr. Gilmer moved the ordinance as to Item I, an ordinance establishing original zoning from County Zoning Agricultural to City Zoning Conditional District - RS-12 Residential Single Family, subject to the conditions set forth in the application and the two new conditions added, seconded by Mr. Schneider. The Commission voted 5-3-1 in favor of the motion. (Ayes: Collins, Shipman, Gilmer, Schneider, Wright. Nays: Wolf, McDonnell, Haynes. Abstain: Byrd.)

Chair Wolf declared a break from 6:20 to 6:30 p.m.

**I. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY AND RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOUSES DESIGNED FOR SALE; 2) THE TOWNHOUSES CONSTRUCTED ON THE SUBJECT PROPERTY SHALL BE GOVERNED BY AN OWNERS ASSOCIATION; FOR A PORTION OF THE PROPERTY LOCATED SOUTHEAST OF FAIRFAX ROAD WEST OF THE TERMINUS OF WINBERRY DRIVE AND NORTH OF THE TERMINUS OF BURGENTFIELD DRIVE ; FOR OLIVER M. AND LYNDIA H. TREXLER (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Derrick Allen, Esq., with the Brooks Pierce law firm, 230 North Elm Street, represented Centex Homes. The proposal of the applicant would offer an excellent transitional area between the other uses and the single-family residential that would stabilize the neighborhood and turn this property into an attractive community asset. They had taken into considerations staff's concerns, the comments from a 1981 rezoning request and the neighbors' comments. They felt they had addressed all the concerns successfully. On July

16, they sent a written notice requesting neighbors' comments and questions. He received 3 calls in response to their notice.

Scott McCall, 1902 Starlight Drive, spoke in opposition. He said the only issue he had was a privacy issue and the possibility of fencing around the property or landscaping. His pool has a wooden fence around it, but with the elevation of the land, those apartments would be higher than his fence. He wouldn't want to overlook his swimming pool, if he were behind a condo. He didn't understand the logic for the cul-de-sac.

Chair Wolf said that would be a turn-around for the City's trash trucks.

Mr. Ruska said they would be required to have a minimum 20-foot wide average width planting yard on interior lines. They would have to do the typical 8-foot wide street planting yard.

The applicant waived any rebuttal.

In giving the staff recommendation, Mr. Hails said there had been various comments about how the Comp Plan specifically applies in different situations. This was probably of the least specific ones. The request was for 8 dwelling units per acre up to that. The adopted GFLUM showed Industrial/Corporate Park and Low Residential. It was also on the edge of a reinvestment corridor. If you shuffle those parts together, he thought staff felt that you would come out close to 8 dwelling units per acre and felt comfortable in moving from the larger roadway and Industrial/Commercial uses to the west, then to the higher density multifamily on this site and then to the single family to the east, and that would be a good practical transition for the area. It promotes other Comp Plan goals, such as diversification, affordable housing, mixed income and under utilized property. Staff feels with the buffers mentioned and some of the conditions, it would have general compatibility with the surrounding area and staff recommended approval of the request.

Ms. Wright moved the ordinance as to Item J, an ordinance rezoning from RS-9 Residential Single Family and RM-18 Residential Multifamily to Conditional District - RM-8 Residential Multifamily, subject to the condition set forth in the application, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**K. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO LIMITED BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST INTERSECTION OF SPRING GARDEN STREET AND MCMANUS STREET – FOR KOTIS PROPERTIES. (WITHDRAWN)**

This Item was withdrawn at the applicant's request at the beginning of the meeting.

- L. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-30 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RM-8 WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO ALL SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL USES (INCLUDING TOWNHOMES, DUPLEXES, AND VILLA TYPE HOMES) PERMITTED UNDER THE RM-8 ZONING DISTRICT; 2) THE PROPERTY SHALL CONTAIN A MIX OF DETACHED AND ATTACHED DWELLING UNITS; 3) ALL HOMES SHALL BE OFFERED FOR SALE TO THE PUBLIC; 4) NO BUILDING SHALL EXCEED 2 STORIES IN HEIGHT AS VIEWED FROM THE FRONT; 5) ADDITIONAL LANDSCAPING WILL BE USED TO BUFFER SUBJECT PROPERTY ADJACENT TO EXISTING SINGLE FAMILY DWELLINGS, WHICH WILL MEET THE WIDTH AND PLANTING RATE OF A TYPE C YARD; 6) THERE SHALL BE A MINIMUM OF 3 ACRES OF USABLE OPEN SPACE INCLUDED WITHIN THE SUBJECT PROPERTY; FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF DESMOND DRIVE NORTH OF TAYLORCREST ROAD – FOR ALICE B. MYERS AND BARBARA BROWN. (FAVORABLE RECOMMENDATION)**

Chair Wolf said Mr. Collins had a conflict of interest on this item and would need to be recused from consideration or voting on the item.

Mr. Byrd moved that Mr. Collins be recused from consideration and voting on this item, seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None. Abstain: Collins.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Diane Ferguson represented Spring Lake Developments, LLC, who intended to develop this property. The development would be consistent with the Land Use Plan for Moderate Density Residential with 108 single-family homes, as well as 162 townhomes. She presented a preliminary drawing for illustrative purposes. They spoke with many of the surrounding property owners and the only objections they had were concerns that it would be low income housing due to the fact that there was a mobile home park adjacent to the property.

In presenting the staff recommendation, Mr. Hails said the request conformed with the Comp Plan and GFLUM. It would be in the range of 6 to 12 dwelling units per acre and would have conditions that add to the compatibility with the surrounding area. Staff

recommended approval of the request.

Ms. Wright moved the ordinance as to Item L, an ordinance establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning Conditional District - RM-8, subject to the conditions set out in the application, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, McConnell, Byrd, Haynes. Nays: None. Abstain: Collins.)

**M. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO RS-5 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF O. HENRY BOULEVARD BETWEEN SLOAN STREET AND GORRELL STREET – FOR H. RUDOLPH LEE. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

H. Rudolph Lee, 902 South O. Henry Boulevard, said he was requesting the zoning change so he could build a single-family house at the corner of 900 South O. Henry Boulevard and Sloan Street.

Terry Haith, 1828 Bothwell Street, said he was supporting this rezoning request. They contacted the neighbors on Sloan Street, the 2-story house across from the property and the neighbor on Gorrell Street whose property adjoined the subject property. They were in favor of having a single-family house there because of the activity that had gone on in that neighborhood for so long. His father, Mr. Lee, would live in the home.

In present the staff recommendation, Mr. Hails said this request was essentially to allow for one infill development lot to be created. While the Generalized Future Land Use Map and Comp Plan call for 3-5 units per acre, it was noted in the staff comments that almost half the lots in the immediate vicinity of this property were already higher density than that. As such, staff was relying more on the reinvestment and compatibility policies in the Plan in supporting this request. Staff recommended approval.

Ms. Wright moved the ordinance as to Item M, an ordinance rezoning from RS-7 Residential Single Family to RS-5 Residential Single Family, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Wright, McDonnell, Byrd, Haynes. Nays: None.)

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Ruska said he would like to take this opportunity to thank Janet Wright for 12 years of extraordinary service.

Chair Wolf said her replacement, Mr. Kauber, who had served on this Commission before, was sitting in the audience. He assumed Ms. McDonnell would be on the Commission until the Council decides on a replacement.

Ms. Wright said she had planned to give a long speech, but given the hour, she was just going to say "thank you" to the citizens for allowing her this opportunity. It had been fabulous and she had loved it. She wanted to say to Mr. Hails, "Welcome," and that he had a building full of fabulous people to work for him. His staff was first-rate - enjoy them and enjoy working with them and learning from them as he learned the community. They were the best. She said thanks to all the other members of the Commission.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

None.

**ACKNOWLEDGMENT OF ABSENCES:**

None.

\* \* \* \* \*

There being no further business before the Commission, the meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd.ps